

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:05-CR-140-FL-1

UNITED STATES OF AMERICA,)
)
)
v.)
)
)
MARK ANTHONY STUKES,)
)
)
Defendant.)

ORDER

This matter is before the court on defendant's pro se motion for compassionate release (DE 101). Defendant argues primarily that his sentence should be reduced so he can provide care for his ailing sister-in law. Defendant's sister-in-law, however, is currently hospitalized, and defendant fails to provide evidence establishing his sister-in-law will not be able to care for herself following her hospitalization. See U.S.S.G. § 1B1.13 cmt. n.1(C).¹ In these circumstances, defendant has not established extraordinary and compelling reasons justify a reduction in his sentence. See 18 U.S.C. § 3582(c)(1)(A). Accordingly, the motion (DE 101) is DENIED without prejudice. Defendant may refile the motion in the event he can establish he is the only available caretaker for an incapacitated family member.

SO ORDERED, this the 15th day of June, 2023.


LOUISE W. FLANAGAN
United States District Judge

¹ Although U.S.S.G. § 1B1.13 is not binding in the context of defendant-filed motions for compassionate release, it remains helpful guidance when addressing such motions. See United States v. Malone, 57 F.4th 167, 174 (4th Cir. 2023).